

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WP(C).No. 35696 of 2007(Y)

OS.206/2002 of II ADDL.M.C., ERNAKULAM
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PETITIONERS:

**1. JOSEMON ANTONY, S/O. ANTONY
VADAKKETHALAKKAL, KOTTAKADA WEST ROAD
KALOOR, ERNAKULAM.**

**2. THANKAMMA.C.A, W/O. JOSEMON ANTONY
VADAKKETHALAKKAL, KOTTAKADA WEST ROAD
KALOOR, ERNAKULAM.**

**BY ADV. SRI.C.ANILKUMAR (KALLESSERIL)
SRI.N.K.POULOSEKUTTY**

RESPONDENT:

**THE CORPORATION OF KOCHI,
REPRESENTED BY ITS SECRETARY,
CORPORATION OFFICE , ERNAKULAM.**

BY SRI. S.RAMESH BABU, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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M.N. KRISHNAN, J.
= = = = =
W.P.C. NO. 35696 OF 2007
= = = = =
Dated this the 3rd day of December, 2007.

J U D G M E N T

This writ petition is filed with a prayer to direct the Munsiff, Ernakulam to reopen Ext.P7 and to consider Exts.P4 and P5 petitions. An application for setting aside the exparte decree with a delay of 1310 days was filed before the Court. At that time the respondents therein namely plaintiff did not appear and therefore the said petitions were allowed. Thereafter, the plaintiff moved an application for reviewing the order allowing the prayer to set aside the exparte decree. On the date when it was posted the plaintiff did not get ready. Therefore, the Court dismissed that application. Now, in the light of the dismissal of that application the things stand as if the exparte decree is set aside. Now, the prayer of the learned counsel for the writ petitioner is that there was no intentional or deliberate laches on the part of the plaintiff in not getting ready with the review application. Whatever it

may be, even if there had been some laches the Court should have given an opportunity for him to get ready and dispose of the matter. Therefore, in the interest of justice I set aside the order whereby the Court dismissed the application for review. The Court is directed to restore that review application and consider the matter after hearing both sides in accordance with law and dispose it of.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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